

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

June 25, 2001

At 9:29 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Sims, Acting Presiding Justice; Nicholson, Associate Justice; Hull, Associate Justice; and Castillo, Bailiff. Calendar Called.

C035749 THE PEOPLE v. JONES

Cause called. Annamarie Jones argued for herself in pro per as appellant and submitted additional citations. Craig S. Meyers, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:36 a.m., the court recessed. At 9:39 a.m., the court reconvened with Acting Presiding Justice Sims, Associate Justice Callahan and Associate Justice Hull.

C036365 NOWLING et al. v. TRIAD SYSTEMS CORPORATION et al.

Cause called. Samuel W. Gordon argued for appellants. Paul S. Rudder argued for respondents. Cause submitted.

At 10:03 a.m., the court recessed until 9:30 a.m., Monday, July 16, 2001.

**C037424 In re SARA B.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH
AND HUMAN SERVICES v. CAROL K. (Not for Publication)**

The judgment is affirmed.

DAVIS, Acting P.J.

We concur: Raye, J.
 Hull, J.

June 26, 2001

C029462 THE PEOPLE v. BOWEN (Not for Publication)

The judgment is affirmed.

SCOTLAND, P.J.

I concur: Raye, J.

I concur in the judgment and in the opinion, except as to Part VI, as to which I concur in the result.

Blease, J.

C032271 THE PEOPLE v. WILSON (Not for Publication)

The judgment is affirmed.

MORRISON, J.

We concur: Scotland, P.J.
 Kolkey, J.

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June 26, 2001, continued

- C036584 THE PEOPLE v. FILYAU (Not for Publication)**
The judgment is modified to provide for a 10 percent (\$20) surcharge under section 1202.4, subdivision (1), and a \$200 fine under section 1202.45, and is affirmed in all other respects. The trial court is ordered to prepare an amended abstract of judgment which also reflects the \$200 fine under section 1202.45, and to send a certified copy of the amended abstract to the Department of Corrections.
CALLAHAN, J.
We concur: Davis, J.
Hull, J.
- C037144 THE PEOPLE v. CAHOY (Not for Publication)**
The judgment of conviction is affirmed. The trial court is directed to prepare an amended abstract of judgment to reflect the separate restitution fines imposed in case Nos. 13615 and 82054, and to forward a certified copy to the Department of Corrections.
CALLAHAN, J.
We concur: Scotland, P.J.
Morrison, J.
- C034136 DiRUZZA v. COUNTY OF TEHAMA et al. (Not for Publication)**
The judgment is affirmed.
DAVIS, J.
We concur: Scotland, P.J.
Morrison, J.
- C036598 THE PEOPLE v. TRENT (Not for Publication)**
THE COURT:
It is ordered that the opinion filed herein on May 29, 2001, be modified as follows:...There is no change in judgment.

Defendant's petition for rehearing is denied.
FOR THE COURT:
Sims, Acting P.J.
Callahan, J.
Hull, J.
- C038250 JAZMIN et al. v. TYCO PRINTED CIRCUIT GROUP**
BY THE COURT:
Pursuant to the written request of the appellant, the appeal filed April 30, 2001, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

In accordance with the written stipulation of counsel, the parties shall bear their own costs on appeal.
SCOTLAND, P.J.

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June 27, 2001

- C035216 THE PEOPLE v. OLIVER (Not for Publication)**
The judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Sims, J.
 Hull, J.
- C035287 THE PEOPLE v. DENTON (Not for Publication)**
The trial court is directed to correct the probation report as it previously ordered and to attach the addendum prepared by the court to the probation report. In all other respects the judgment is affirmed.
 BLEASE, Acting P.J.
We concur: Sims, J.
 Hull, J.
- C037514 THE PEOPLE v. DUFF (Not for Publication)**
The judgment is modified to award defendant 163 days of custody credit and to impose a \$50 criminal laboratory analysis fee, a \$50 state penalty assessment and a \$35 county penalty assessment. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
 CALLAHAN, J.
We concur: Scotland, P.J.
 Hull, J.
- C034713 FORTY-NINER SIERRA RESOURCES, INC., etc., et al. v. CALIFORNIA
STATE AUTOMOBILE ASSOCIATION, etc., et al. (Not for Publication)**
The judgment is affirmed.
 MORRISON, J.
We concur: Scotland, P.J.
 Davis, J.

June 28, 2001

- C028505 THE PEOPLE v. REDMOND (Not for Publication)**
The judgment is affirmed. As specified in footnote 1, the trial court is directed to prepare an amended abstract of judgment reflecting the correct sentence for count four and the correct total term imposed, and to forward a certified copy to the Department of Corrections.
 NICHOLSON, Acting P.J.
I concur: Callahan, J.
I agree with parts II, III, and IV of the opinion. I have a slightly different view of the evidentiary question presented in part I....
 Hull, J.

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We concur: Raye, Acting P.J.
Kolkey, J.

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June 28, 2001, continued

- C037217 THE PEOPLE v. MCBRIDE (Not for Publication)**
The judgment is modified to provide for state and county penalty assessments (Pen. Code, § 1464; Gov. Code, § 76000) of \$50 and \$35, respectively, on the criminal laboratory analysis fee of \$50 (Health & Saf. Code, § 11372.5) and state and county penalty assessments of \$150 and \$105, respectively, on the drug program fee of \$150 (Health & Saf. Code, § 11372.7). The abstract of judgment is corrected to reflect that defendant's prior conviction was pursuant to Health and Safety Code section 11370.2, subdivision (c). The trial court is directed to prepare an amended and corrected abstract of judgment and to forward a certified copy to the Department of Corrections. As modified, the judgment is affirmed.
HULL, J.
We concur: Sims, Acting P.J.
 Davis, J.
- C037340 THE PEOPLE v. MASON (Not for Publication)**
The judgment (order of probation) is affirmed.
HULL, J.
We concur: Sims, Acting P.J.
 Davis, J.
- C037473 THE PEOPLE v. SMITH (Not for Publication)**
The judgment is modified to reflect the imposition of a \$50 criminal laboratory analysis fee (Health & Saf. Code, § 11372.5) and a \$50 state penalty assessment (Pen. Code, § 1464) and a \$35 county penalty assessment (Gov. Code, § 76000) based on the fee. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.
CALLAHAN, J.
We concur: Scotland, P.J.
 Morrison, J.
- C034362 GOBOURNE v. THE CITY OF GALT et al. (Not for Publication)**
The judgment is affirmed. The request for sanctions for a frivolous appeal is denied. Respondents shall recover their costs on appeal.
SIMS, Acting P.J.
We concur: Raye, J.
 Callahan, J.

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June 28, 2001, continued

- C034895 VEGA et al. v. MALLORY, as Director, etc., et al.**
(Not for Publication)
The judgment as to defendants Mallory and Coyle is affirmed. Summary adjudication as to the third (unjust enrichment) and fourth (breach of contract) causes of action is reversed with instructions to determine which plaintiffs were parties in the Orejel action. Summary adjudication is affirmed as to the remaining causes of action. Plaintiffs shall recover their costs on appeal.
BLEASE, Acting P.J.
We concur: Sims, J.
 Hull, J.
- C035594 CHICHESTER v. CHICHESTER (Not for Publication)**
The denial of the motion to set aside the judgment is affirmed.
RAYE, Acting P.J.
We concur: Morrison, J.
 Hull, J.
- C035682 KESSEL et al. v. CITY OF REDDING et al. (Not for Publication)**
The judgment is affirmed. Defendants shall recover their costs on appeal.
SIMS, Acting P.J.
We concur: Davis, J.
 Kolkey, J.
- C036154 DUDLEY v. DEPARTMENT OF TRANSPORTATION**
(Certified for Publication)
The judgment of dismissal is reversed. The matter is remanded with instructions to vacate the order granting the motion for judgment on the pleadings without leave to amend and to enter a new order granting the motion with leave to amend. Caltrans shall reimburse Dudley for her costs on appeal. (Cal. Rules of Court, rule 26(a).) (CERTIFIED FOR PUBLICATION.)
NICHOLSON, J.
We concur: Scotland, P.J.
 Sims, J.
- C036365 NOWLING et al. v. TRIAD SYSTEMS CORPORATION**
(Not for Publication)
The judgment (order granting attorney fees) is affirmed. Plaintiffs shall recover their costs on appeal.
HULL, J.
We concur: Sims, Acting P.J.
 Callahan, J.

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We concur: Scotland, P.J.
Sims, J.

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June 29, 2001, continued

**C033685 FRIENDS OF PLACER COUNTY COMMUNITIES et al. v. COUNTY OF
PLACER and AUBURN-49 ASSOCIATES (Not for Publication)**

The order awarding attorney fees is reversed. Friends of Placer's request for judicial notice is denied. The County and Auburn-49 are awarded costs on appeal.

NICHOLSON, J.

We concur: Blease, Acting P.J.

Morrison, J.